

**CALENDAR ITEM
C104**

A 67
S 35

6/23/11
WP 4443.1
D. Simpkin

AMENDMENT OF LEASE

LESSEES:

Peter K. Kompaniez and Valerie J. Kompaniez, Trustees of the Kompaniez 1998 Family Trust, dated February 10, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to 16581 Carousel Lane, city of Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of an existing boat dock, access ramp, boat lift, and cantilevered deck.

LEASE TERM:

10 years, beginning November 1, 2008.

CONSIDERATION:

Boat dock, access ramp, and boat lift: No monetary consideration pursuant to Public Resources Code section 6503.5.

Cantilevered deck: Annual rent in the amount of \$650, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Amend the lease to include in the authorized improvements existing rock slope protection and a sheet pile previously authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. On February 1, 2010, the Commission authorized the issuance of a General Lease – Recreational Use, PRC 4443.1, to Peter K. Kompaniez and Valerie J. Kompaniez, Trustees of the Kompaniez 1998 Family Trust, dated February 10, 1998, for the continued use and maintenance of an existing boat dock and access ramp, and the retention of an existing boat

CALENDAR ITEM NO. C (CONT'D)

lift and cantilevered deck extending no more than five feet waterward of the existing bulkhead. The lease will expire on October 31, 2018.

2. On February 5, 2001, the Commission authorized the issuance of a General Lease – Protective Structure Use, PRC 8261.9, to Peter K. Kompaniez and Valerie J. Kompaniez, Trustees of the Kompaniez 1998 Family Trust, dated February 10, 1998, for the repair of an existing bulkhead that may include all or some of the following: (1) existing pile repair; (2) placement of sheet piles; and (3) installation of rock slope protection. This Lease, PRC 8261.9, expired on January 31, 2011.
3. Although the Commission authorized three types of repairs in PRC 8261.9, the Lessees bulkhead repairs only included placement of a sheet pile and the installation of rock slope protection. Instead of maintaining two separate leases and in order to accommodate the existing improvements, the Lessees are now applying for a lease amendment to PRC 4443.1 to include the existing sheet pile and rock slope protection authorized under PRC 8261.9.
4. The State of California acquired fee ownership of the Huntington Harbour Main and Midway Channels in 1961 as a result of a land exchange agreement entered into between the Commission and the Huntington Harbour Corporation, recorded as Sovereign Lands Location No. 34 dated December 22, 1960 and recorded on January 31, 1961 in Book 5611, Page 470, Official Records, Orange County, California. Projects, including new development or maintenance of existing facilities, extending into these Channels beyond the bulkhead line require a lease from the Commission pursuant to Public Resources Code section 6501.1. The Lessees upland property is located along the Main Channel of Huntington Harbour.
5. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

CALENDAR ITEM NO. C (CONT'D)

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Location and Site Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Class Code of Regulations, section 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 4443.1, a General Lease – Recreational Use, effective June 23, 2011 to include in the authorized improvements existing rock slope protection and a sheet pile; all other terms of the lease will remain in effect without amendment.